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OFFICE OF PETITIONS

In re Application :
Maingault et al. :
Application No. 09/364,908 : DECISION ON PETITION
Filed: July 27, 1999 :
Atty Docket No. 43869.016200 :

This is a decision on the Petition under 37 CFR 1.137(b), filed June 21, 2004.

The petition is **GRANTED**.

The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed August 13, 2003, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b), 1.197(c). As no claim was allowed, the above-identified application became abandoned on October 14, 2003. See MPEP 1215.04. A Notice of Abandonment was mailed on May 21, 2004.

The petition includes the required reply in the form of an appeal brief (and fee required by 37 CFR 1.17(c)), the required statement of unintentional delay and the petition fee.

Technology Center 1651 has been advised of this decision reviving the application. The appeal brief will be considered by the examiner in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309.

Nancy Johnson
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Office of Petitions